

IFW

Docket No. J&J5037CIP1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Alain V. Khaiat et al. Confirmation No.: 3755
Serial No. : 10/663,238 Art Unit: 1615
Filed : September 16, 2003 Examiner:
For : Topical Treatment of Skin Conditions

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February 15, 2005

(Date of Deposit)

William E. McGowan

(Name of applicant, assignee, or Registered Representative)

(Signature)

February 15, 2005

(Date of Signature)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

This copy is supplemental to the Information Disclosure Statement mailed on December 8, 2004.

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this

information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☒ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- ☐ Statement in Accordance with §1.97(e)
(attached); or
- ☐ Please charge Deposit Account No. 10-
0750/ / the fee of \$180.00 as set forth
in §1.17(p).

☐ In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

☒ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☒ Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a)(2). (The U.S. patents and each U.S. patent application publication listed on the attached Form PTO-1449 are not enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i)).

☐ There are no listed references which are not in the English language.

☒ The relevance of those listed references which are not in the English language is as follows: English abstract provided for CN1342492A. US2004/234632A1 is an English language equivalent for FR2826579A previously cited in the December 8, 2004, Information Disclosure Statement.

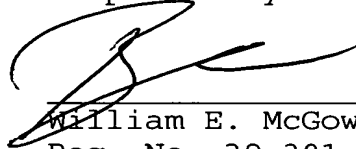
☒ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

Copies of the references listed on the search report(s) are included except for those previously cited in an IDS mailed December 8, 2004.

☐ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/J&J5037CIP1/WEM. This form is submitted in triplicate.

Respectfully submitted,



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DATED: **February 15, 2005**



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Substitute for form 1449A/PTO

(use as many sheets as necessary)

Sheet 1 of 1

Confirmation Number	3755
Application Number	10/663,238
Filing Date	09/16/2003
First Named Inventor	Alain V. Khaiat
Group Art Unit	1615
Examiner Name	
Attorney Docket Number	J&J5037CIP1

U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

[illegible]

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²

Examiner Signature	Date Considered
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Signature	Comments
<p>*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>	

1 Unique citation designation number. 2 See attached Kinds of U.S. Patent Documents. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

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SUBMISSION UNDER MPEP 609 D

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First Named Inventor	A. V. Khaiat
Group Art Unit	1615
Examiner Name	
Attorney Docket Number	J&J5037CIP1

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Name of Patentee or Applicant of Cited Document	U.S. Patent Document		Pages, Columns, Lines, where relevant passages or relevant figures appear
			Number	Kind Code ² (if known)	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Name of Patentee or Applicant of Cited Document	Foreign Patent Document			Pages, Columns, Lines, where relevant passages or relevant figures appear	T ⁶
			Office ³	Number ⁴	KindCode ⁵		

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner 's Initials*	Cite No. ¹	Include name of the author (in CAPITOL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
		International Search Report dated November 18, 2004, for corresponding PCT application PCT/US2004/015054.	

Examiner Signature	Date Considered
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XP-002304268

(C) WPI/Derwent

AN - 2002-464187 [50]

AP - CN20010141894 20010919

CPY - ZHAN-I

DC - B04

FS - CPI

IC - A61K35/78 ; A61P17/00 ; A61P17/10

IN - ZHANG Z

MC - B04-A08 B04-A09 B04-A10 B14-N17C B14-N17D

PA - (ZHAN-I) ZHANG Z

PN - CN1342492 A 20020403 DW200250 A61K35/78 000pp

PR - CN20010141894 20010919

XA - C2002-132135

XIC - A61K-035/78 ; A61P-017/00 ; A61P-017/10

AB - CN1342492 NOVELTY - A Chinese medicine for treating eczema, seborrheic dermatitis and acne is prepared from such Chinese medicinal materials as portulaca, bletilla tuber, rhubarb and astragalus root as raw materials. Its advantages are high effective rate (90.2%) and high cure rate (80.4%).

- (Dwg.0/0)

IW - MEDICINE TREAT ECZEMA SEBORRHOEA DERMATITIS ACNE

IKW - MEDICINE TREAT ECZEMA SEBORRHOEA DERMATITIS ACNE

INW - ZHANG Z

NC - 001

OPD - 2001-09-19

ORD - 2002-04-03

PAW - (ZHAN-I) ZHANG Z

TI - Medicine for treating eczema, seborrheic dermatitis and acne